IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO.4922 of 1995

Between:

1 Y.Narayan Reddy S/o.Musalappa @ Kollappa
Bommalatapalli Vilage, Chemanpalli (PO),
Bukkarayasamudram Mandal Anantapur District.
2 Y.Muni Reddy S/o.Musalappa @ Kollappa
Bommalatapalli Vilage, Chemanpalli (PO),
Bukkarayasamudram Mandal Anantapur District.

...PETITIONERS

AND

1. The Revenue Divisional Officer, Anantapur.

2. The Special Deputy Tahasildar (SJP), Erstwhile Taluk, Anantapur.

3. Y.Subbi Reddy, S/o.Sonjappa, R/o.Bommalatapalli, H/o.Chenampalli,
Bukkarayasamudram Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in D.Dis.No.6106/92/D2, Dt.12/10/1994 as illegal arbitrary and contrary to the provisions of A.P.Splitting up of Joint Pattas Act, 1965 and consequently direct the 1st respondent to pass appropriate order on merit.

Counsel for the Petitioners: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 and 2: GP for REVENUE

Counsel for the Respondent No.3: MR.P.VEERA REDDY

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.4922 of 1995

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue (General).

The petitioners herein filed this Writ Petition *inter alia* seeking to assail the impugned proceedings in D.Dis.No.6106/92/D2, dated 12.10.1994, passed by the first respondent herein purported under the provisions of the A.P.Splitting up of Joint Pattas Act, 1965.

Though several contentions sought to be raised on behalf of the petitioners including the fact that the copy of the impugned proceedings was not served, however, the fact remains that as against the said proceedings, regular appeal was provided under Section 11 of the A.P.Survey & Boundaries Act, 1923. In view of the above, it is not necessary to go into the merits of the case, which would suffice the interest of justice and the same has to be considered after service of the proceedings dated 12.10.1994.

The Writ Petition is disposed of directing the first respondent herein to serve a copy

of the proceedings dated 12.10.1994 to the petitioners herein within a period of four weeks from the date of the receipt of a copy of this order. Thereafter, the petitioners shall file an appeal within a further period of four weeks from the date of service of copy of the proceedings. The appeal shall be disposed of on merits in accordance with law, after giving notice and opportunity to the petitioners. It is needless to say that no objection as to limitation shall be entertained.

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(B.PRAKASH RAO, J)

17th February 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Revenue Divisional Officer, Anantapur.

2. The Special Deputy Tahasildar (SJP), Erstwhile Taluk, Anantapur.

3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.